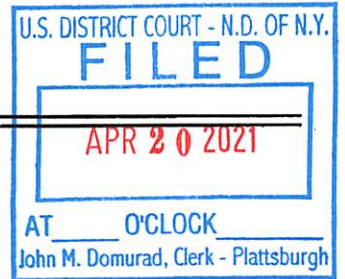


AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA)

v.)

Miguel POLANCO-MACAL,)

Case No. 8:21-MJ-225 (GLF)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date(s) of April 16, 2021, in the county of Clinton in the Northern District of New York the defendant violated:

Code Section
8 U.S.C. § 1325(a)(2)

Offense Description
Improper entry by an alien; any alien who eludes examination or inspection by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature
BPA Jacob Reynolds

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: APRIL 20, 2021


Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. Miguel POLANCO-MACAL

On Friday April 16, 2021, Border Patrol Agents from the Burke Station were notified by Swanton Sector Radio Communications (SSRC) of camera images from the area of Lost Nations Road in Churubusco, New York. SSRC advised Agents that they had received multiple images over a three-minute span, between 9:53 p.m., and 9:59 p.m. showing multiple individuals walking in a line and wearing backpacks.

Based upon this information, Agents began surveillance of Lost Nations Road, where a group of individuals were spotted walking approximately 1 mile south of the international boundary. Agents continued surveillance of the individuals as they continued walking southbound towards U.S. Highway 11. At around 23:15 hours, Agents observed a Toyota Sienna van driving northbound on New York State Route 190 (NYSR190) displaying Pennsylvania license plates LLM9316.

Agents immediately recognized this van to have been previously identified in an alien smuggling event from Lost Nations Road on March 27, 2021. During that event, Agents received information from the Royal Canadian Mounted Police indicating that four individuals were observed walking south into the United States near the area of Lost Nations Road to which Agents conducted a search of the area with negative results. An investigation into the event revealed that this same Toyota Sienna van was observed, by border area surveillance technology, driving north and south on Lost Nations Road a short time after the individuals were observed walking into the United States. No contact was made with this Toyota Sienna van during the March event.

Agents continued surveillance of the individuals as they walked south on Lost Nations Road. Agents also continued surveillance on the Toyota Sienna van as it drove towards Lost Nations Road. At around 23:30 hours, Agents observed the group of individuals walk into a wooded area on the east side of Lost Nations Road, approximately 150 yards south of the intersection with Merchia Road. Agents note that this exact location was suspected to have been used recently as a staging point for illegal aliens waiting to be picked up by automobile traffic. On April 12, 2021, Agents discovered several masks and an "Eska" water bottle (Canadian manufacturer) on the ground which appeared to have been left from only a few days prior (based upon weather and environmental conditions).

At around 23:40 hours, Agents observed the Toyota Sienna van drive north on Lost Nations Road and drive directly to the wooded area where the individuals were seen waiting in the brush. Agents observed five individuals get into the van, which turned around and drove back south on Lost Nations Road to U.S. Highway 11.

A vehicle stop was performed on the Toyota Sienna on NYSR190 in the town of Ellenburg, New York where Agents encountered a driver and five passengers— Miguel POLANCO-MACAL, M.S.C., D.V.G., R.S.C., and D.P.T. POLANCO-MACAL was identified to be a citizen of Guatemala who admitted to illegally entering the United States immediately prior to their encounter. POLANCO-MACAL was found to have no claims to or records of legal status in the United States. POLANCO-MACAL was taken into custody and transported back to the Burke Border Patrol Station for further records checks and claims verification. At the Burke Station, Agents conducted records checks on POLANCO-MACAL and confirmed that he was illegally present in the United States. POLANCO-MACAL's fingerprints were run through multiple systems, verifying that he has no legal status in the United States.